

AUG 13 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN DOE,

Defendant - Appellant.

No. 09-10148

D.C. No. 2:08-cr-00189-JAT-1

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted August 11, 2009^{**}
San Francisco, California

Before: KOZINSKI, Chief Judge, REINHARDT and SILVERMAN, Circuit
Judges.

John Doe appeals from the district court's order recommitting him to a
federal medical center for no more than 45 days to complete a dangerousness
evaluation pursuant to 18 U.S.C. § 4246(a). The district court previously

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

determined under 18 U.S.C. § 4241(d) that Doe was incompetent to stand trial on federal criminal charges and that he was not restorable to competency. Doe's claims are foreclosed by our recent decision in *United States v. Godinez-Ortiz*, 563 F.3d 1022 (9th Cir. 2009). We have jurisdiction under the collateral order doctrine, and we affirm the district court order. *See id.*

AFFIRMED.